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8 COUNTY OF SACRAMENTO
9 (erroneously sued herein as "Sacramento County
Sheriff's Department")

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**

12
13 YAPHETTE GEIGER; JETHRO GEIGER; } Case No.: 2:22-CV-00043-JAM-DB
14 K.S., a minor, by and through their Guardian, }
15 BRANDIE SMITH; K.G., a minor, by and } **AMENDED JOINT STIPULATION AND**
16 through their Guardian, BRANDI SMITH; and } **ORDER TO MODIFY SCHEDULING**
17 N.G., a minor, by and through their Guardian, } **ORDER**
18 ASIA LEE HERON; and JW GEIGER }
19 Plaintiffs }
20 v. }
21 COUNTY OF SACRAMENTO, }
22 SACRAMENTO COUNTY SHERIFF'S }
23 DEPARTMENT and DOES 1 through 100, }
24 inclusive, }
25 Defendants. }

26
27 Plaintiffs Yaphette Geiger; Jethro Geiger; K.S., by and through their Guardian Brandi
28 Smith; K.G. by and through their Guardian Brandi Smith; and N.G. by and through their
Guardian Asia Lee Heron, and JW Geiger (hereinafter "Plaintiffs") and Defendant COUNTY OF
SACRAMENTO (hereinafter "Defendants"), by and through their counsel of record (collectively
"Parties"), hereby stipulate and request that the Court continue discovery and the pre-trial

1 deadlines in this matter. Pursuant to the current scheduling order (ECF No. 16), the current
2 schedule is as follows:

- 3 • Expert Disclosure: June 27, 2023
- 4 • Supplemental Expert Disclosure: July 27, 2023
- 5 • Discovery Cutoff: September 25, 2023
- 6 • Dispositive Motion Deadline: November 17, 2023
- 7 • Hearing on Dispositive Motions: January 23, 2024
- 8 • Pretrial Conference: March 1, 2024
- 9 • Trial: April 15, 2024

10 The parties in this case request an extension of all deadlines by approximately sixty days.
11 Accordingly, the respective deadlines would be as follows:

- 12 • Expert Disclosure: September 29, 2023
- 13 • Supplemental Expert Disclosure: October 13, 2023
- 14 • Discovery Cutoff: November 24, 2023
- 15 • Dispositive Motion Deadline: January 19, 2024
- 16 • Hearing on Dispositive Motions: March 26, 2024 at 1:30 p.m.
- 17 • Pretrial Conference: May 17, 2024 at 10:00 a.m.
- 18 • Trial: July 1, 2024 at 9:00 a.m.

19 A scheduling order may only be modified upon a showing of good cause and by leave of
20 court. Fed. R. Civ. Proc. 6(b)(1)(A); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
21 (9th Cir. 1992). In considering whether a party moving for a schedule modification has good
22 cause, district courts primarily focus on the diligence of the party seeking the modification.
23 *Johnson*, 975 F.2d at 609. Here, the parties have exchanged initial Rule 26 disclosures,
24 consisting of over one thousand pages of documents, photos, witness statements, and hours of
25 video and audio footage, including surveillance video depicting portions of the incident. After
26 review of disclosures, the parties opted to attempt to resolve the matter before engaging in costly
27 discovery. Those efforts have failed to yield successful results. Defendants have noticed the
28 depositions of the Plaintiffs for April; however, Plaintiffs' counsel has represented they are

1 unavailable for deposition in the next few weeks. Defendant requires the deposition of the
2 Plaintiffs prior to expert disclosures so that there is ample time for the court reporter to complete
3 the transcript and Defendant's expert to review said transcripts. Additionally, Plaintiffs' counsel
4 has indicated an intent to file a motion to withdraw as counsel. The parties believe a brief
5 extension of the current scheduling order is warranted under the circumstances. The parties do
6 not believe the requested extension will prejudice any party.

7 For these reasons, good cause exists to modify the scheduling order as outlined above.
8

9 Dated: April 25, 2023 LONGYEAR & LAVRA, LLP
10

11 By: /s/ Nicole M. Cahill
12 VAN LONGYEAR
13 NICOLE M. CAHILL
14 DENNY YU
15 Attorneys for Defendant,
16 COUNTY OF SACRAMENTO

17 Dated: April 25, 2023 MOSLEY & ASSOCIATES
18

19 By: /s/ Nathalie Meza Contreras [as authorized 4-24-23]
20 Walter Mosley, Esq.
21 Carlos E. Montoya, Esq.
22 Nathalie Meza Contreras, Esq.
23 Attorneys for Plaintiffs
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25
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27
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ORDER

Good cause having been shown, based on the foregoing Stipulation by the Parties, the Court hereby ORDERS as follows:

Event	Current Schedule	New Schedule
Expert Disclosure	June 27, 2023	September 29, 2023
Supplemental Expert Disclosure	July 27, 2023	October 13, 2023
Discovery Cutoff	September 25, 2023	November 24, 2023
Dispositive Motion Deadline	November 17, 2023	January 19, 2024
Dispositive Motion Hearing	January 23, 2024	March 26, 2024 at 1:30 p.m.
Pretrial Conference	March 1, 2024	May 17, 2024 at 10:00 a.m.
Trial	April 15, 2024	July 1, 2024 at 9:00 a.m.

Dated: April 25, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE